UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

JUN 2 6 2014

The Honorable Mark R. Warner
United States Senate
Washington, D.C. 20515-4606

Dear Senator Warner:

Thank you for your April 15, 2014 letter to the U.S. Environmental Protection Agency (EPA) on behalf of your constituent, Ms. Allison Szuba, regarding her concern about the recent coal ash release to the Dan River, and its potential impacts on drinking water supplies and other industries that rely on the Commonwealth's water resources. I want to take this opportunity to reiterate information about actions that have been taken and that continue to be taken by EPA and other responding agencies to assess and remediate the harmful effects of the spill on the Commonwealth's water resources, as well as EPA's ongoing work to address the risk that coal ash basins pose to surface waters.

I'd like to begin by summarizing EPA's on-going work nationwide to address the potential risk that coal ash basins present to surface waters. In 2009, EPA identified and gathered information from the electric power generating industry to conduct a nationwide assessment of impoundment sites that managed wet-handled coal combustion residuals or coal combustion residuals (CCRs). EPA coordinated with our state partners and industry to implement EPA's recommendations for each assessed site, including the impoundment sites located within the Commonwealth. EPA has issued a proposed rule that would regulate for the first time CCR under the Resource Conservation and Recovery Act (RCRA). Under the first proposal, EPA would list these residuals as special wastes subject to regulation under subtitle C of RCRA, when destined for disposal in landfills or surface impoundments. Under the second proposal, EPA would regulate coal ash under subtitle D of RCRA, the section for non-hazardous wastes. EPA plans to finalize the rule on December 19, 2014.

On February 2, 2014 a storm sewer pipe collapsed beneath a large coal ash pond owned by Duke Energy in Eden, North Carolina. EPA's Southeast Region, with support from the Mid-Atlantic Region, directed the federal response to the spill in collaboration with the Virginia Department of Environmental Quality, the Virginia Department of Health, the North Carolina Department of Environment and Natural Resources, the North Carolina Department of Public Health, the U.S. Fish and Wildlife Services, the U.S. Army Corps of Engineers, as well as county and local partners along the Dan River. As much as 39,000 tons of coal ash from the basin flowed through the damaged pipe and into the Dan River over the next several days, until the pipe was successfully plugged.

Since the time of the spill, EPA and partner organizations have been monitoring the quality of water and sediment in the Dan River to identify and evaluate any potential effect on aquatic life. There have been some exceedances of ecological screening levels in sediment and surface water samples. Exceedance of a screening level indicates that continual monitoring, sampling and analyses may be

necessary. EPA continues to conduct extensive sampling of water and sediment along the Dan River and in the Kerr Reservoir for metals of concern which may be in coal ash, such as arsenic and selenium. Prior to the coal ash spill, portions of the Dan River and Kerr Reservoir were already under fish consumption advisories due to the presence of contaminants not related to the coal ash spill. Those advisories remain in place. Additional information on fish advisories for Virginia and North Carolina, respectively, is available at:

www.vdh.virginia.gov/epidemiology/DEE/PublicHealthToxicology/Advisories/, and

http://epi.publichealth.nc.gov/oee/fish/advisories.html

In addition, EPA has provided assistance to drinking water treatment plants downstream of the spill in at Danville and South Boston, Virginia, and at Clarksville on the Kerr Reservoir. While water samples collected in the river itself immediately following the spill showed somewhat elevated levels of arsenic, the results of samples collected from the water treatment plants all met federal and state drinking water standards, and continue to do so. Data from sampling at each of the drinking water treatment plants (as well as data from river and sediment sampling) can be accessed through links listed at http://www.epa.gov/region4/duke-energy/.

Duke Energy has removed a large deposit of coal ash from the Dan River immediately below the point of release from the ash pond, and has developed plans to remove ash that has accumulated in deposits at two locations farther downstream. EPA will continue to work with Virginia and North Carolina agencies in determining the long-term cleanup plans for the river.

If you have any questions, please do not hesitate to contact me or have your staff contact Mr. Matthew Colip, EPA's Virginia Liaison, at 215-814-5439.

Sincerely,

Shawn M. Garvin
Regional Administrator